

JOHN C. CRUDEN
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

JOHN S. MOST
Trial Attorney
Natural Resources Section
P.O. Box 7611 Washington, DC 20044
202-616-3353, Fax 202-305-0506

Counsel for Federal Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

WILDEARTH GUARDIANS,)	CV 14-13-BLG-SPW
Plaintiff,)	
)	
v.)	
)	
U.S. OFFICE OF SURFACE)	FEDERAL DEFENDANTS'
MINING, RECLAMATION AND)	STATUS REPORT ON
ENFORCEMENT <i>et al.</i> ,)	CORRECTIVE NEPA ANALYSIS
Federal Defendants,)	
)	
and)	
)	
STATE OF MONTANA, SPRING)	
CREEK LLC, NATIONAL MINING)	
ASSOCIATION,)	
Defendant-Intervenors.)	
)	
)	
NORTHERN PLAINS RESOURCE)	CV 14-103-BLG-SPW
COUNCIL INC. <i>et al.</i>)	
Plaintiffs,)	

)
v.)
)
JEWELL <i>et al.</i> ,)
Federal Defendants,)
)
and)
)
STATE OF MONTANA <i>et al.</i> ,)
Defendant-Intervenors.)
_____)

On January 21, 2016, the Court issued an Opinion and Order adopting the findings and recommendations of the Magistrate Judge, with the exception of the recommended remedy, which the Court modified. Doc. 135 at 8-9 (“Opinion and Order”). In particular, the Court ordered that vacatur of the challenged mining plan decision be deferred for a period of 240 days while Federal Defendants prepare an “updated environmental assessment” (hereafter, “EA”), *id.* at 9, under the National Environmental Policy Act (“NEPA”). In addition, the Court ordered Federal Defendants to file monthly status reports on progress, by the last business day of each month during the 240-day period. Accordingly, Federal Defendants file the attached report, furnished by representatives of the Office of Surface Mining Reclamation and Enforcement (“OSMRE”). *See* Ex. 1. Most notably, the report indicates that OSMRE has made available for public comment an EA and unsigned Finding of No Significant Impact. In addition the report indicates that

OSMRE intends to publish a notice on its website advising the public that the time period for commenting on the EA and unsigned FONSI has been extended from July 5, 2016, to July 19, 2016. Since the report was finalized, OSMRE has in fact posted such a notice on its Western Region website at:

<http://www.wrcc.osmre.gov/index.shtm>.

The project remains on schedule.

Respectfully submitted this 30th day of June, 2016.

JOHN C. CRUDEN
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

/s/ John S. Most
JOHN S. MOST, Trial Attorney
Natural Resources Section
P.O. Box 7611, Washington, D.C. 20044
202-616-3353 (voice), 202-305-0506 (fax)
john.most@usdoj.gov

Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record, this 30th day of June, 2016.

/s/ John S. Most

JOHN S. MOST

Counsel for Federal Defendants